

(Pub. L. 105-292, title VI, § 601, Oct. 27, 1998, 112 Stat. 2812.)

Statutory Notes and Related Subsidiaries

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

§ 6472. Reform of refugee policy

(a), (b) Omitted

(c) Guidelines for refugee-processing posts

(1) Guidelines for addressing hostile biases

The Attorney General and the Secretary of State shall develop and implement guidelines that address potential biases in personnel of the Immigration and Naturalization Service and of the Department of State that are hired abroad and involved with duties which could constitute an effective barrier to a refugee claim if such personnel carries a bias against the claimant on the grounds of religion, race, nationality, membership in a particular social group, or political opinion. The subject matter of this training should be culturally sensitive and tailored to provide a nonbiased, nonadversarial atmosphere for the purpose of refugee adjudications.

(2) Guidelines for refugee-processing posts in establishing agreements with United States Government-designated refugee processing entities

The Attorney General and the Secretary of State shall develop and implement guidelines to ensure uniform procedures for establishing agreements with United States Government-designated refugee processing entities and personnel, and uniform procedures for such entities and personnel responsible for preparing refugee case files for use by the Immigration and Naturalization Service during refugee adjudications. These procedures should ensure, to the extent practicable, that case files prepared by such entities accurately reflect information provided by the refugee applicants and that genuine refugee applicants are not disadvantaged or denied refugee status due to faulty case file preparation.

(3) Guidelines for preventing persons with potential biases from participating in determinations

Not later than 120 days after November 29, 1999, the Secretary of State (after consultation with the Attorney General) shall issue guidelines to ensure that persons with potential biases against any refugee applicant, including persons employed by, or otherwise subject to influence by, governments known to be involved in persecution on account of religion, race, nationality, membership in a particular social group, or political opinion, shall not in any way be used in processing determinations of refugee status, including interpretation of conversations or examination of documents presented by such applicants.

(d) Annual consultation

The President shall include in each annual report on proposed refugee admissions under section 1157(d) of title 8 information about religious persecution of refugee populations eligible for consideration for admission to the United States. The Secretary of State shall include information on religious persecution of refugee populations in the formal testimony presented to the Committees on the Judiciary of the House of Representatives and the Senate during the consultation process under section 1157(e) of title 8.

(Pub. L. 105-292, title VI, § 602, Oct. 27, 1998, 112 Stat. 2812; Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title II, § 253], Nov. 29, 1999, 113 Stat. 1536, 1501A-432.)

Editorial Notes

CODIFICATION

Section is comprised of section 602 of Pub. L. 105-292. Subsec. (a) of section 602 of Pub. L. 105-292 amended section 1157 of Title 8, Aliens and Nationality. Subsec. (b) of section 602 of Pub. L. 105-292 amended section 4028 of this title.

AMENDMENTS

1999—Subsec. (c)(1). Pub. L. 106-113, § 1000(a)(7) [div. A, title II, § 253(a)], inserted “and of the Department of State” after “Service”.

Subsec. (c)(3). Pub. L. 106-113, § 1000(a)(7) [div. A, title II, § 253(b)], added par. (3).

Statutory Notes and Related Subsidiaries

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

§ 6473. Reform of asylum policy

(a) Guidelines

The Attorney General and the Secretary of State shall develop guidelines to ensure that persons with potential biases against individuals on the grounds of religion, race, nationality, membership in a particular social group, or political opinion, including interpreters and personnel of airlines owned by governments known to be involved in practices which would meet the definition of persecution under international refugee law, shall not in any manner be used to interpret conversations between aliens and inspection or asylum officers.

(b) Training for asylum and immigration officers

The Attorney General, in consultation with the Secretary of State, the Ambassador at Large, and other relevant officials such as the Director of the George P. Shultz National Foreign Affairs Training Center, shall provide training to all officers adjudicating asylum cases, and to immigration officers performing duties under section 1225(b) of title 8, on the nature of religious persecution abroad, including country-specific conditions, instruction on the internationally recognized right to freedom of religion, instruction on methods of religious persecution practiced in foreign countries, and

applicable distinctions within a country in the treatment of various religious practices and believers.

(c) Training for immigration judges

The Executive Office of Immigration Review of the Department of Justice shall incorporate into its initial and ongoing training of immigration judges training on the extent and nature of religious persecution internationally, including country-specific conditions, and including use of the Annual Report. Such training shall include governmental and nongovernmental methods of persecution employed, and differences in the treatment of religious groups by such persecuting entities.

(Pub. L. 105–292, title VI, § 603, Oct. 27, 1998, 112 Stat. 2813; Pub. L. 107–132, § 1(b), Jan. 16, 2002, 115 Stat. 2412.)

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AMENDMENTS

2002—Subsec. (b). Pub. L. 107–132 substituted “George P. Shultz National Foreign Affairs Training Center” for “National Foreign Affairs Training Center”.

Statutory Notes and Related Subsidiaries

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

§ 6473a. Designated persons list for particularly severe violations of religious freedom

(a) List

(1) In general

The Secretary of State, in coordination with the Ambassador at Large and in consultation with relevant government and nongovernment experts, shall establish and maintain a list of foreign individuals to whom a consular post has denied a visa on the grounds of particularly severe violations of religious freedom under section 1182(a)(2)(G) of title 8, or who are subject to financial sanctions or other measures for particularly severe violations of freedom religion.

(2) Reference

The list required under paragraph (1) shall be known as the “Designated Persons List for Particularly Severe Violations of Religious Freedom”.

(b) Report

(1) In general

The Secretary of State shall submit a report to the appropriate congressional committees that contains the list required under subsection (a), including, with respect to each foreign individual on the list—

(A) the name of the individual and a description of the particularly severe violation of religious freedom committed by the individual;

(B) the name of the country or other location in which such violation took place; and

(C) a description of the actions taken pursuant to this chapter or any other Act or Executive order in response to such violation.

(2) Submission and updates

The Secretary of State shall submit to the appropriate congressional committees—

(A) the initial report required under paragraph (1) not later than 180 days after December 16, 2016; and

(B) updates to the report every 180 days thereafter and as new information becomes available.

(3) Form

The report required under paragraph (1) should be submitted in unclassified form but may contain a classified annex.

(4) Definition

In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Appropriations of the House of Representatives; and

(F) the Committee on Financial Services of the House of Representatives.

(Pub. L. 105–292, title VI, § 605, as added Pub. L. 114–281, title V, § 501(2), Dec. 16, 2016, 130 Stat. 1437.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(1)(C), was in the original “this Act”, meaning Pub. L. 105–292, Oct. 27, 1998, 112 Stat. 2787, known as the International Religious Freedom Act of 1998, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6401 of this title and Tables.

PRIOR PROVISIONS

A prior section 605 of Pub. L. 105–292 was renumbered section 606 and is classified to section 6474 of this title.

§ 6474. Studies on effect of expedited removal provisions on asylum claims

(a) Studies

(1) Commission request for participation by experts on refugee and asylum issues

If the Commission so requests, the Attorney General shall invite experts designated by the Commission, who are recognized for their expertise and knowledge of refugee and asylum issues, to conduct a study, in cooperation with the Comptroller General of the United States, to determine whether immigration officers described in paragraph (2) are engaging in any of the conduct described in such paragraph.

(2) Duties of Comptroller General

The Comptroller General of the United States shall conduct a study alone or, upon request by the Commission, in cooperation with